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INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IV 2470934

SUBJECT:	**Neil Kimball, [redacted] Detective – Bonus 1**
INCIDENT:	**Lewd Acts with a Minor – Penal Code §288(c)(1); Unlawful Sexual Intercourse with a Minor – Penal Code §261.5**
URN:	**918-00057-2003-441**
DATE:	**November of 2017**
LOCATION:	[redacted]

ALLEGATIONS:

On November 16, 2018, Detective Neil Kimball (Subject Kimball), while off duty, forcibly raped a female minor (hereinafter is being referred to as Witness Jane Doe). Immediately after the alleged incident, Subject Kimball also tried to prevent or dissuade Witness Doe from reporting the rape.

SYNOPSIS:

At the time of this incident, Subject Kimball was assigned to the Special Victims Bureau (SVB) as a detective. He was assigned to investigate a rape by force case, wherein Witness Doe was listed as a victim, which occurred in the City of Agoura Hills, on or about September 30, 2017. The rape report was documented under the file number 017-05653-2220-023 **(Exhibit A, page 34)**. Shortly after the assignment, Subject Kimball went on an extended / authorized medical leave of absence.

On October 10, 2018, Witness Doe's rape case was reassigned to SVB Detective Jeffery Jackson (Complainant Jackson) [redacted] Complainant Jackson promptly spoke with Witness Doe's [redacted] Complainant [redacted] and they discussed the status of Witness Doe's case. During this conversation, Complainant [redacted] alleged Subject Kimball raped his daughter near downtown Camarillo, in the month of November, 2017.

Based on the above allegation, a criminal investigation was initiated by personnel from the Internal Criminal Investigation Bureau, on October 10, 2018, at the request of

Detective Division Chief Stephen Johnson [redacted] The ICIB case was assigned to Sergeant [redacted]

Search warrants were requested of locations frequented by Subject Kimball to recover evidence related to the crime described in Witness Doe's statements. Incorporated in the search warrant was a Ramey warrant authorizing the arrest of Subject Kimball for the above-depicted crimes, and the bail was set at $2,000,000.

On November 16, 2018, Subject Kimball was arrested by ICIB personnel for Rape Under the Color of Authority – Penal Code §261(a)(7), and Forcible Rape – Penal Code §261(a)(2) under file number 918-00057-2003-441 **(Exhibit A, pages 3-28)**.

On November 21, 2018, a criminal complaint was submitted to the Sexual Assault / Family Protection section of the Ventura County District Attorney's Office for filing consideration. The case was assigned to Deputy District Attorney Patrice Koenig under D.A. case number 2018039799 **(Exhibit A, pages 28C- 28E)**.

On July 9, 2019, Subject Kimball pled guilty to one (1) felony count of Lewd Act with a Child who is 14 or 15 years old; and one (1) count of Unlawful Sexual Intercourse with a Minor, in violation of Penal Code sections 288(c)(1) and 261.5, respectively.

On August 8, 2019, Subject Kimball was sentenced to serve three years in State prison on the aforementioned charges **(Exhibit B)**.

INVESTIGATION:

ICIB investigators interviewed the following complainants, witness, and subject. Due to the sensitive nature of the incident and the age of the victim, the involved parties were not interviewed by IAB personnel. The following is a summary of their ICIB interviews. For complete statements made, more information, and precise wording, refer to the attached verbatim interview transcriptions.

Interview of Complainant Jeffrey Jackson conducted by ICIB

On October 10, 2018, Complainant Jackson was interviewed by ICIB investigators Sergeant [redacted] and Sergeant Melissa Ramirez [redacted] In summary, Complainant Jackson told them the following:

Complainant Jackson said after he assumed the investigative responsibility of Subject Kimball's case, he reviewed Witness Doe's case file and realized it contained no information to assist him with the on-going investigation. Additionally, no case notes had been taken nor had a supplemental report been written by Subject Kimball.

Complainant Jackson contacted Subject Kimball, who told him Witness Doe's case had been concluded, with the exception of his supplemental report. According to Subject Kimball, Witness Doe recanted her initial statement and indicated she had consensual sex with the named suspect. Subject Kimball reported he contacted Witness Doe's

[redacted] (Complainan[redacted] who also confirmed Witness Doe recanted her statement. Subject Kimball planned to close Witness Doe's rape case, and not to present the facts to the District Attorney's Office for filing consideration, because she recanted her statement.

After talking to Subject Kimball, Complainant Jackson called Complainant [redacted] to advise him of the closure of Witness Doe's rape case based on her recanted statement. Complainant [redacted] informed Complainant Jackson that [redacted] had never recanted her statement. Complainant [redacted] also disclosed the fact that Subject Kimball had raped Witness Doe during one of her "ride-along" sessions with Subject Kimball **(Exhibit A, Jeffrey Jackson Transcripts page 31).**

Interview of Complainant [redacted] (Witness Jane Doe's [redacted] conducted by ICIB

On October 11, 2018, Complainant [redacted] was interviewed by ICIB Sergeants William Morris and Melissa Ramirez. In summary, Complainant [redacted]old them the following:

Complainant [redacted] said Witness Doe disclosed the sexual assault incident, involving Subject Kimball, to him sometime in the middle of December 2017. Complainant [redacted] from his [redacted] account, narrowed the location of the incident to an area near downtown Camarillo.

Complainant [redacted] provided Subject Kimball's physical description, and he was able to identify Subject Kimball in a photographic array, consisting of Subject Kimball's California Department of Motor Vehicles (DMV) photograph with five other males of similar appearance **(Exhibit A, pages 52-53).**

Interview of Witness Jane Doe conducted by ICIB

On October 11, 2018, Witness Doe was interviewed by Forensic Nurse Examiner, Sandra Wilkinson, from the Center of Assault Treatment Services (CATS), located in Van Nuys. ICIB Sergeants [redacted] and Sergeant Melissa Ramirez were present and monitored the interview from an adjacent room, via a live video feed. In summary, Witness Doe told them the following:

Witness Doe said she first met Subject Kimball after he was assigned to investigate her sexual assault case that occurred in September of 2017. She met him twice before she went on four "ride-along" sessions with him. She indicated [redacted] and her trusted Subject Kimball and the first three ride-along sessions were done in what looked like a police vehicle.

On the fourth ride-along session, Subject Kimball came to her house with a different vehicle. Later that day, Subject Kimball drove her to his trailer. She described the color of the trailer and recalled the surrounding area where the trailer was located. She also provided the layout of the trailer's interior. While they were in the trailer, Subject Kimball pushed Witness Doe onto a bed, causing her to land on her stomach. Subject Kimball handcuffed her hands behind her back, utilizing a gold colored pairs of handcuffs.

The handcuffs were tightened, causing them to leave marks on her wrists. Witness Doe protested and in response to her objection, Subject Kimball said she was a "very rape-able girl" **(Doe's Transcripts, page 15)**. Witness Doe recalled Subject Kimball pulled her pants down, placed his foot on her back, and proceeded to masturbate. Subject Kimball held Witness Doe down on the bed by placing his hands between her shoulder blades and began to have forcible sexual intercourse with her. Witness Doe attempted to kick her legs, but she realized her attempt to resist had no effect. Witness Doe estimated the rape incident lasted approximately 20 minutes, during which time, Subject Kimball did not wear a condom. She was unsure if Subject Kimball ejaculated inside her body, but she bled from her genital region as a result of the sexual assault.

Witness Doe stated she attempted to flee after Subject Kimball removed the handcuffs from her wrists, but he pushed her onto the floor. Subject Kimball blocked her path and told Witness Doe not to worry about becoming pregnant, because he had a vasectomy. Subject Kimball threatened to kill Witness Doe, and said the rape case he handled for her would not get prosecuted if she were to tell anyone what had happened between them. Subject Kimball then drove Witness Doe back to her residence.

Witness Doe identified Subject Kimball in a photographic array consisting of Subject Kimball's DMV photograph with five other males of similar appearance **(Exhibit A, page 16)**.

Based on Witness Doe's statement, it appeared the sexual assault took place sometime in the middle of November, 2017. Additionally, the span of time that Subject Kimball interacted and/or communicated with Witness Doe was over a period of one month.

Second Interview of Witness Doe conducted by ICIB

On October 30, 2018, Witness Doe participated in a second interview. It was conducted by ICIB investigator Sergeant Melissa Ramirez in the City of Ventura. ICIB investigator Sergeant [redacted] was also present and monitored the interview from an adjacent room, via a live video feed.

> **IAB NOTE: The purpose of the second interview was to obtain specific information about Witness Doe's interaction with Subject Kimball, and not to have Witness Doe recounted her sexual assault.**

In summary, Witness Doe gave a more detailed account of her interaction with Subject Kimball **(Exhibit A, pages 14 to 15)**.

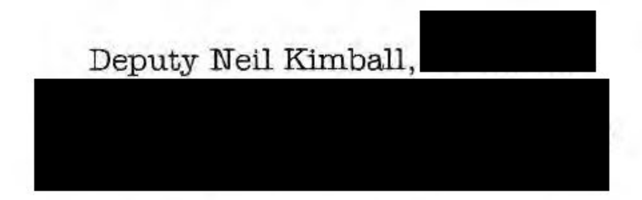
Interview of Subject Neil Kimball conducted by ICIB

On November 16, 2018, Subject Kimball indicated that he wanted to speak to the investigating officer and would like make a confession. Subject Kimball was interviewed by ICIB Sergeant [redacted] at the Human Trafficking Bureau, in the city of Monterey Park. In summary, Subject Kimball was Mirandized and he said the following:

Subject Kimball confessed to having "consensual" sex with Witness Doe twice on two different days in his trailer, which was located in the city of Camarillo. He also described the sexual positions during the incidents. Subject Kimball admitted he did not wear a condom during the sex acts. He was not worried about getting Witness Doe pregnant, because he had a vasectomy approximately 10 years earlier **(Exhibit A, pages 25- 28)**. He claimed Witness Doe sent flirtatious text messages to him after they met. She also asked him for food and money. He recalled buying her food with his credit cards. Ultimately, he knew having sex with Witness Doe was wrong. Subject Kimball claimed he did not have time to complete the investigation as time went by. He denied raping Witness Doe, using handcuffs on her during the sex acts, or threatening her afterward.

August 28, 2019

Deputy Neil Kimball, [redacted]



Dear Deputy Kimball:

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business September 4, 2019.

An investigation under IAB File Number IV2470934, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of Department Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Penal Code Section 288(c)(1) Lewd Acts With a Minor, and Penal Code Section 261.5(c), Unlawful Sexual Intercourse With a Minor) on or about November of 2017, while on and/or off-duty and assigned as an investigator, you violated state law when you willingly and unlawfully committed lewd acts with a minor by having unlawful sexual intercourse with Witness Doe, a 14 year old female rape victim, while assigned to investigate Witness Doe's rape case. Subsequently, on August 8, 2019, you were convicted

of 288(c) (1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse With a Minor. Your conduct brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department, as evidenced by, but not limited to:

a. being named as a suspect and arrested for 261(a)(7), Rape Under Color of Authority, and 261(a)(2) Forcible Rape; and/or,

b. being charged in the California Superior Court of Ventura County, with felony counts of 136.1(c)(1), Dissuading a Witness by Force or Threat, and 261(a)(2), Forcible Rape; and/or,

c. pleading guilty in the California Superior Court of Ventura County, of having committed felony counts 288(c)(1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse With a Minor; and/or,

d. being sentenced to three years in state prison, in violation of California Penal Code 288(c)(1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse With a Minor, on August 8, 2019.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Patrick Nelson, on September 4, 2019, at 10:00 a.m., in his office, which is located at 211 West Temple Street, 7th floor, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 4, 2019, for your oral response, please call Chief Nelson's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Nelson's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Nelson office no later than September 4, 2019.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave, which will continue during the four (4) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the four (4) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within four (4) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Kelly M. Porowski, Captain
Internal Affairs Bureau

KMP:CMT:ct
(Professional Standards Division – Internal Affairs Bureau)

IAB FILE NO. IV2470934

Attachments

c: Patrick Nelson, Chief, Detective Division
Georgette Burgess, Departmental Employee Relations Representative, Employee Relations Unit
Charna Toldson, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

September 27, 2019

Date of Department Hire 08/19/1998

Deputy Neil D. Kimball, [redacted]

Dear Deputy Kimball:

LETTER OF IMPOSITION

On August 28, 2019, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV 2470934. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 16, 2019.

An investigation under IAB File Number IV 2470934, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Department Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Penal Code Section 288(c)(1) Lewd

Acts With a Minor, and Penal Code Section 261.5(c), Unlawful Sexual Intercourse With a Minor) on or about November of 2017, while on and/or off-duty and assigned as an investigator, you violated state law when you willingly and unlawfully committed lewd acts with a minor by having unlawful sexual intercourse with Witness Doe, a 14 year old female rape victim, while assigned to investigate Witness Doe's rape case. Subsequently, on August 8, 2019, you were convicted of 288(c) (1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse with a Minor. Your conduct brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department, as evidenced by, but not limited to:

a. being named as a suspect and arrested for 261(a)(7), Rape Under Color of Authority, and 261(a)(2) Forcible Rape; and/or,

b. being charged in the California Superior Court of Ventura County, with felony counts of 136.1(c)(1), Dissuading a Witness by Force or Threat, and 261(a)(2), Forcible Rape; and/or,

c. pleading guilty in the California Superior Court of Ventura County, of having committed felony counts 288(c)(1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse With a Minor; and/or,

d. being sentenced to three years in state prison, in violation of California Penal Code 288(c)(1), Lewd Acts with a Minor, and 261.5(c), Unlawful Sexual Intercourse With a Minor, on August 8, 2019.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.
You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

If you have any questions, you may contact Charna Toldson, of Internal Affairs Bureau, at (323) 890-5300.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

PATRICK A. NELSON, CHIEF
DETECTIVE DIVISION

PAN:CT:ct
(Professional Standards Division – Internal Affairs Bureau)

IAB FILE NO. IV 2470934

Attachments

c: Patrick Nelson, Chief, Detective Division
Jorge Valdez, Captain, Special Victims Bureau/Unit Personnel File
John M. McBride, Captain, Personnel Administration Bureau/Department Personnel File
Doreen Garcia, Administrative Services Manager III, Pay, Leaves, and Records Units
Charna Toldson, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit